



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/087,816 | 03/05/2002 | Masamichi Akashi | 03500.016251 | 3000 |

5514 7590 12/13/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

| |
|----------|
| EXAMINER |
|----------|

HUNTSINGER, PETER K

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2625

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,816

Applicant(s)

AKASHI, MASAMICHI

Examiner

Peter K. Huntsinger

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10, 18-20, 22 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10, 18-20, 22 and 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

IDETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/3/06 has been entered.

Response to Arguments

2. Applicant's arguments filed 10/3/06 have been fully considered but they are not persuasive.

The applicant argues on page 16 of the response in essence that:

Fan et al. does not teach specifying the port number from among plural port numbers respectively allocated in correspondence to plural kinds of data processes executable by the firewall.

a. Fan et al. disclose specifying a port number (col. 13, lines 40-53). Fan et al. further discloses that port numbers corresponding to the plural kinds of data processes (col. 2-3, lines 65-67, 1-7).

Claim Rejections - 35 USC § 102

Art Unit: 2625

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8, 18, 22, 25, 27-31, and 33-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Fan et al. Patent 6,219,706.

Referring to claims 8, 18, 22, 28, 34, and 37, Fan et al. disclose an data processing apparatus (host 6 of Fig. 1, col. 4, lines 39-42) which communicates with a computer via a network, said data processing apparatus, comprising: a reception unit that receives a request transmitted from the computer via the network, wherein the request includes a kind of data process to be executed and a request to obtain a port number for transmitting data to be used in the data process (col. 13, lines 40-53); an address unit that obtains an address of a transferring source of the request received by said reception unit (step 406 of Fig. 4, col. 9, lines 16-22); a discriminating unit that determines whether or not communication with the computer is to be permitted, based on the address obtained unit (col. 9, lines 16-22); a specifying unit that species a port number that corresponds to the kind of data process (col. 2-3, lines 65-67, 1-7) included in the request received by said reception unit, from among plural port numbers respectively allocated in correspondence to plural kinds of data processes (col. 13-14, lines 54-67, 1-5); a port number notifying unit that notifies the address obtained by said

Art Unit: 2625

address obtaining unit of the port number specified by said specifying unit in a case where said discriminating unit determines that communication with the computer is to be permitted, wherein the data process is executed in accordance with data in which the port number to which the data is transmitted is the port number notified by said port number notifying unit (col. 13-14, lines 54-67, 1-5).

Referring to claims 25 and 31, Fan et al. disclose a port number obtaining unit that obtains a port number of a transfer destination of data to be received by said reception unit, wherein said specifying unit specifies the port number obtained by said port number obtaining unit (col. 13-14, lines 54-67, 1-5).

Referring to claims 27 and 33, Fan et al. disclose wherein said discriminating unit makes its determination based on the address, the port number, and permission information showing whether communication with the computer is to be permitted or not (col. 9, lines 16-22).

Referring to claims 29 and 35, Fan et al. disclose a storage unit that stores the port number specified by said specifying unit and an address of the computer which transmits the data in association with each other (col. 9, lines 16-23). It is inherent that the port number and the address of Fan et al. is stored in RAM for computer processing.

Referring to claims 30 and 36, Fan et al. disclose a judgment unit that checks the address of the computer which transmits the data and the address of the computer stored in association with the port number in said storage unit with each other, and judges whether or not to execute communication with the computer (col. 9, lines 16-22)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. Patent 6,219,706, and further in view of Nakagawa et al. Patent 6,530,025.

Referring to claims 9 and 19, Fan et al. disclose a discriminating unit for determining if communication with the computer is permitted, but do not disclose expressly a permission notifying unit. Nakagawa et al. disclose a permission notifying unit constructed to notify a computer of the fact that the communication is permitted in a case where a discriminating unit determines that communication with the computer is to be permitted (col. 6, lines 19-27). Fan et al. and Nakagawa et al. are combinable because they are from the same field of authorizing TCP communication systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to notify a computer whether communication is permitted. The motivation for doing so would have been to inform the communicating computer whether sent data will be accepted. Therefore, it would have been obvious to combine Nakagawa et al. with Fan et al. to obtain the invention as specified in claims 9 and 19.

7. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. Patent 6,219,706 as applied to claims 8 and 18 above, and in further view of Yonenaga et al. Patent 5,646,872.

Referring to claims 10 and 20, Fan et al. disclose a data processing apparatus, but do not disclose expressly the data processing apparatus is a printer. Yonenaga et al. disclose a computer that includes a printer (col. 1, lines 56-67). Fan et al. and Yonenaga et al. are combinable because they are from the same field of computer systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a printer within a computer. The motivation for doing so would have been to increase the portability of a computer-printer system. Therefore, it would have been obvious to combine Yonenaga et al. with Fan et al. to obtain the invention as specified in claims 10 and 20.

8. Claims 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. Patent 6,219,706 as applied to claims 25 and 31 above, and in further view of IANA Well Known Port Numbers.

Referring to claims 26 and 32, Fan et al. disclose utilizing a TCP and UDP session connection and executing means for executing a process according to the port number obtained by said port number obtaining means executed (step 418 of Fig. 4, col. 10, lines 1-6). Fan et al. do not disclose expressly a print process or an apparatus managing process. The IANA Well Known Port Numbers database teaches a first port number corresponding to a printing process for processing print data (0092 Network

Art Unit: 2625

Printing Protocol, page 6) and a second port number corresponding to a managing process for processing the apparatus in accordance with command data (0002 Management Utility, page 1). Fan et al. and the IANA Well Known Port Numbers are combinable because they are from the same field of TCP and UDP communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to attempt printing and management sessions with the apparatus. The motivation for doing so would have been to remotely print documents or manage the computer from the network. Therefore, it would have been obvious to obtain the invention as specified in claims 26 and 32.

Conclusion

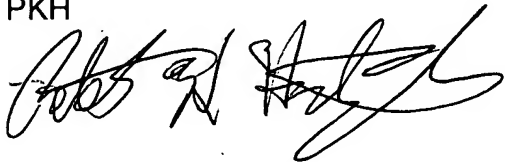
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH




KIMBERLY WILLIAMS
SUPERVISORY EXAMINER